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10/517,370	12/10/2004	Vincent Muniere	Q85119	3957

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EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

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12/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,370	Applicant(s) MUNIERE, VINCENT	
	Examiner SIMON D. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 11/3/08. These drawings are accepted.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the term “only” in “the dedicated channel is allocated to only the real-time traffic” was not suggested or described in the SPEC.

Regarding claims 13-14, the term “a second dedicated channel” in “the real-time traffic is transmitted in a second dedicated channel” was not suggested or described in the SPEC.

Regarding claim 15, the claims are generally narrative and indefinite and are replete with grammatical and idiomatic errors, for example, the term “the dedicated channel” should be the dedicated channels; the term “and wherein” should be delete. It is suggested to amend the claim.

Response to Arguments

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4. Applicant's arguments filed 11/03/2008 have been fully considered but they are not persuasive. In Remarks, the Applicant argued that Sebire does not disclose or suggest using dedicated channels to real time traffic in the packet mode (page 8-10 of Remarks).

Examiner disagrees for the following reasons:

a) In page 9 of Remarks, the Applicant admitted that “Sebire discloses using dedicated channels in a circuit switch mode” (sic)(first part of page 9) and following by stating that “Sebire does not discloses or suggest using dedicated channels in the packet (switch) mode” (sic).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “using dedicated channels in the packet switch mode” is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

b) Suppose that the limitation “using dedicated channels in the packet switch mode” is recited in the rejected claims, the rejected claims are still rejected because Sebire discloses the protocol stack including dedicated channels allowing a user to transmit data packets in circuit switched (TCH) and packet switched channels (PCH) (paragraphs 0156-0157, 173-174), or in other paragraphs, Sebire discloses wherein a data channel of corresponding time slots is allocated to a circuit switched communication (circuit mode) and **a data channel of corresponding time slots of**

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other is allocated to a packet switched communication (packet mode) (paragraphs 0043-0044, 0051-0052) or allocating time slots of the circuit switched mode to the packet switched mode (paragraph 0047), which means that Sebire discloses allocating dedicated time slots to the packet mode. Furthermore, Sebire discloses a dedicated channel such as FACCH also use for assigning or allocating to handle the packet mode (paragraphs 88, 100-103, 122, 125, 127-130, 132-133, 173-174).

c) The term "dedicated channels" in dedicated channels to real-time traffic is a broad term. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims, for example, the dedicated channels can be expressed as any channel such as ACCH (paragraph 96 of Sebire), FACCH, PACCH, PDTCH, DCCH (paragraphs 0100-0109, 122, 133, 141, 158, 159) since these channels have its own specified function, therefore, they all can read as the dedicated channels. Or the dedicated channels can be expressed as half or a quarter of timeslots of each frame of a super frame are allocated to a circuit switched mode and an another half are allocated to a packet switched mode (paragraphs 43-44) which means is that the half-timeslot of the frame is dedicated to the circuit switched mode and the another half of the timeslots is dedicated to the packet switched mode. Furthermore, the above defined dedicated channels are used in a real-time traffic as indicated by Sebire as, for example, when the traffic is going on (paragraph 96), currently involved in packet transfer (paragraph 107), voice call or conversational traffic (paragraph 158-159, 162) or real-time traffic (paragraphs 13, 17, 112, 134).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9,11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sebire et al. (US 2004/0120302 A1).

Regarding claim 1, Sebire discloses a method of support a real time packet transmission (abstract), comprising: a GERAN and a core network (paragraphs 4, 16-17, 36), wherein the real time traffic (paragraphs 0017, 0134) supported in a packet mode in the core network by allocating dedicated channels (figs. 10-13, paragraphs 31, 35, 43-44, 134, 156-157, 160, 165, 167, 158, 159, 162) and support the traffic in the core network connected to the GERAN via Gb interface (paragraphs 111, 179).

Regarding claims 9 and 11, these claims are rejected for the same reason as set forth in claim 1, as apparatus for implementing the above method.

Regarding claims 2-3, Sebire further discloses generating a packet flow context by a GERAN (paragraphs 8, 17-19, 134).

Regarding claim 4, Sebire further disclose QoS (par. 20).

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Regarding claim 5, Sebire further discloses the traffic corresponding to media flow (paragraphs 16, 156).

Regarding claim 6, Sebire further discloses a paging message (paragraphs 101, 122).

Regarding claim 7, Sebire further discloses a direct allocation procedure (abstract, par. 39-44).

Regarding claim 8, Sebire further discloses the dedicated channels assigned to a mobile station, wherein the dedicated channel allocation is performed to satisfy the quality of service (paragraphs 19, 20, 97, 101).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebire et al. ((US 2004/0120302) in view of Krishnarajah et al. (US 2003/0081592).

Regarding claim 12, Sebire discloses the dedicated and shared traffic channels are used in the circuit switched mode and the packet switched mode via Gb interface (see claim 1 and the response to the arguments above). However, Sebire fails to teach the dedicated channels are allocated to only the real time traffic.

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Krishnarajah discloses a communication system in which dedicated transport channels (DCH) are allocated for different communication classes (fig.3, paragraphs 0059, 0063) to only real-time traffic (or voice over internet or videoconferencing) (paragraphs 3, 4, 11, 47, 53, 69) in a GERAN system (paragraph 50) in the communication between a user equipment and the MSC (fig.7). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the dedicated channels as taught by Krishnarajah in the packet system with a Gb interface as taught by Sebire in order to improve the system performance on a real-time videophone conference.

Regarding claim 13, Krishnarajah discloses the dedicated channels allocated (pars. 59, 63) in the real-time traffic for packet mode (video conference or voice over internet) (paragraphs 3, 4, 11, 47, 53, 69) communication between the user equipment and radio core network 110 (fig.7). Since the real-time traffic as taught by Krishnarajah used the dedicated channels from the UE up to the radio network core 110, it is inherently that a second dedicated channel is transmitted in the radio network core because a first dedicated channel will be transmitted from the UE to Radio access network 104 and the second dedicated channel transmitted from the RAN 104 to packet switched 110.

Regarding claim 14, Sebire discloses the communication system in which data flow from a UE to the network core or from the network core to the UD in a non real-time traffic (paragraph 134) as well as the real-time traffic are different (0013, 0017)

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communicated on the dedicated channel as well non dedicated channel (see the rejection above). However, Sebire fails to teach a PDP.

Krishnarajah further discloses a PDP context and a traffic flow (TFT)(TBF) (paragraphs 69, 71) use the dedicated channels for classes A, B, C (pars. 59, 63) in transport data packet on the packet switched (mode) (video conference or voice over internet) (pars. 47, 53, 69) between user equipments and the packet switched network (fig.7). However, the modified Sebire does not specifically disclose the non-real time traffic is used a second TBF.

It should be noted that the data flow of a real-time traffic needs to be transport without delay while a no real time traffic can be transport as its will or can be delayed. Therefore, it would have been obvious to one skilled in the art that a first temporary block flow used for the real-time traffic and a second temporary block flow used for the no real-time traffic in order to improve a communication system that can be adapted to use for real-time as well as no real-time packet transmission.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 1 and 12. It should be noted a processing unit is inherently in the circuit node.

It is also noted that in paragraphs 43-44, Sebire discloses allocating half timeslots of the frame in a superframe to the circuit switched mode and the another half timeslots of the frame to the packet switched mode (paragraph 43-44), and if the circuit switched mode is not active, the channel of the packet switched mode may be allocated timeslots of the circuit switched mode (paragraph 47) which means that all timeslots of

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the frame are dedicated for either the circuit switched mode or the packet switched mode based on the need.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 18, 2008

/SIMON D NGUYEN/

Primary Examiner, Art Unit 2618

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